

# A Fax Message



**Succeed with Trinity.**

Date: January 23, 2002

To: Attorney General Ashcroft

c/o Renata B. Hesse Antitrust Division

Company: US Department of Justice

Phone #: \_\_\_\_\_

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From: George LaVenture

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[with cover]: \_\_\_\_\_

RE: MICROSOFT SETTLEMENT

## NOTES:

Attached are my Tunney Act comments regarding the proposed Microsoft Final Judgement and Competitive Impact Statement.

My contact information is below if you have any questions.

*George M. LaVenture*  
PRESIDENT & CEO

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22 January 2002

Attorney General John Ashcroft  
US Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, District of Columbia 20530

Dear Mr. Attorney General,

I am writing to provide my thoughts during the 28 November 2001 to 28 January 2002 Tunney Act public comment period on the Microsoft antitrust case [United States of America vs Microsoft Corporation Civil Action No. 98-1232 and State Of New York *ex. rel.* Attorney General ELIOT SPITZER, *et al.* Microsoft Corporation Civil Action No. 98-1233] proposed Final Judgment and Competitive Impact Statement.

As I read the proposed Final Judgement and Competitive Impact Statement, Microsoft Corporation has agreed to specific behavioral measures that would provide greater openness and access to technical information as well as contractual and economic freedom for IAPs, ICPs, ISVs, IHVs and OEMs that either: provide a Microsoft Corporation operating system with their product, develop and/or provide applications and/or middleware that run on a Microsoft Corporation operating system, or choose to develop and/or provide competing operating systems, products, applications and/or middleware. These actions seem satisfactory to stimulate competition while maintaining intellectual property rights and fostering innovation.

More importantly, the prescribed enforcement authority, combined with the proposed Technical Committee and Microsoft Internal Compliance Officer, provides the government, and therefore consumers, adequate means and measures to ensure Microsoft Corporation's compliance.

Unlike the nineteenth century marketplace of Standard Oil, an era that witnessed the genesis of the corporation where direct competitors were assimilated and controlled, and unlike the slow-growth marketplaces of 1960s IBM and 1970s ATT, today's technology marketplace moves rapidly and the rate of change will likely increase. We are living in an age of technological revolution cited by Federal Reserve Board Chairman Alan Greenspan for an unprecedented growth in productivity. This atmosphere has, as evidenced most recently and notably by the 1999 "Internet Bubble", created product cycles so short that goods and services can be obsolesced while sales and marketing strategies are still on the whiteboard.

With this in mind, I believe the proposed behavioral measures and controls provide a fairer, more level playing field optimized to foster continued growth while ensuring competition and stimulating innovation.

After all, that's the goal isn't it? A better deal for the consumer.

It is my opinion that the settlement between Microsoft Corporation and the federal government addresses and remedies, in a very satisfactory way, all of the government's antitrust claims against Microsoft Corporation. Therefore it should be instituted with all due speed.

Sincerely,



George M. LaVenture  
President & CEO

cc: Representative Marty Meehan

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